

**LBR 1001.1**  
**SCOPE OF RULES; CITATION**

**(a) Authority.** These supplemental rules are promulgated under the authority of Fed. R. Bankr. P. 9029, **D. Kan. S.O. 05-1** and D. Kan. Rule 83.8.12. To the extent not provided by more specific Fed. R. Bankr. P. or D. Kan. LBR, practice before this court is governed by applicable D. Kan. Rules. *See* D. Kan. Rule 83.8.2.

**(b) Citation.** These rules are cited as D. Kan. LBR 1001.1, e.g. All statutory references are to the Bankruptcy Code, 11 U.S.C. § 101, et seq., unless otherwise specified.

**(c) Modification.** These rules are, in special cases, subject to such modification as the court may deem necessary or appropriate to meet emergencies or to avoid injustice or great hardship.

**(d) Revision information.** Effective with the rule revisions in March, 2005, any rule that is revised will indicate its last revision date.

**(e) Effective Date.** All rules are effective for all cases, whenever filed, unless otherwise stated.

\* \* \*

As amended **3**10/17/05.

*Comments: This rule was amended to include reference to D. Kan. S.O. 05-1, which adopts the Interim Rules. The citation was corrected per D. Kan. Rule 83.1.2 (a). Paragraph (e) was added to clarify effective dates for the rules vis-a-vis the Act.*

**LBR 1006(b).1**  
**FILING FEES**

Installment payment of filing fees may be permitted by the court as provided by Fed. R. Bankr. P. 1006(b)(1). **Waiver of filing fees may also be permitted in a case filed under Chapter 7, as provided in Fed. R. Bankr. P. 1006.** The clerk will not accept checks issued by a debtor for filing fees. ~~The clerk must promptly advise a bankruptcy judge if a check given by an attorney for the debtor's filing fee is not honored.~~

\* \* \*

**As amended 10/17/05.**

*Comments: This rule was amended to include provision for waiver of Chapter 7 filing fees. The Rule was also renumbered to parallel numbering in the Federal rules. Finally, the last sentence was stricken to avoid possible misunderstanding that payment by check was still acceptable in the electronic filing environment.*

**LBR 1007.1**  
**INITIAL FILINGS**

**(a) Assembly of Petition and Accompanying Documents.** Conventionally filed petitions (i.e., those not filed electronically, usually by pro se debtors), schedules and statements of affairs, and lists of creditors must conform to the Official Bankruptcy Forms and be printed on one side of the paper only. All original documents and pleadings filed with the court must be 2-hole punched at the top and must **not** be stapled.

(1) Voluntary petitions and accompanying documents, if applicable, must be assembled in the following order:

(A) petition (including certified copy of corporate resolution in corporate cases **Official Form 1 and any accompanying exhibits**);

(B) ~~signature page~~;

~~(C)~~ statement of financial affairs (Official Form 7);

~~(D)~~ declaration under penalty of perjury on behalf of a corporation or partnership (if applicable);

~~(E)~~ exhibit A (if debtor is a corporation filing under chapter 11);

~~(F)~~(C) list of creditors holding 20 largest unsecured claims (**Official Form 4, only** in chapter 11);

~~(G)~~(D) schedules A through J (Official Forms B-6A thru B-6J, inclusive);

~~(H)~~(E) summary of schedules (**Official Form B-6-Summary, Cover Sheet**);

(F) statistical summary of certain liabilities (Official Form B-6-Summ2, Cover Sheet);

~~(H)~~(G) declaration concerning debtor's schedules (**Official Form B-6-Decl.**);

~~(J)~~(H) chapter 7 individual debtor's statement of intention (if applicable **Official Form B-8**); and

~~(K)~~(I) Rule 2016(b) statement of attorney compensation (**Procedural Form B-203**);

(J) statement of current monthly income and means test calculation (**Procedural Form B-22A, in Chapter 7**);

(K) statement of current monthly income and means test calculation with separate IRS housing allowance (**Procedural Form B-22A, in Chapter 7**);

(L) statement of current monthly income (**Procedural Form B-22B, in Chapter 11**);

(M) statement of current monthly income and disposable income calculation (**Procedural Form B-22C, in Chapter 13**);

(N) statement of current monthly income and disposable income calculation with separate IRS housing allowance (**Procedural Form B-22C, in Chapter 13**);

(O) declaration and signature of non-attorney bankruptcy petition preparer (**Procedural Form 19A**);

(P) notice to debtor by non-attorney bankruptcy petition preparer (**Procedural Form 19B**);

(Q) for a case filed under Chapter 11, and for which the debtor elects small business status, the most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return; or a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed; and

(R) certificate required under § 521(a)(1)(B)(iii)(I) or (II) (**Procedural Form 201**).

(2) The following documents, if applicable, must **not** be stapled attached to the petition:

(A) application to pay filing fees in installments (if applicable **Official Form 3A**);

- (B) application for waiver of Chapter 7 filing fee (Official Form 3B);
- ~~(B)~~(C) matrix and matrix verification;
- ~~(C)~~(D) matrix verification; and the plan (if submitted when petition is filed in chapters 11, 12 and 13); and
- ~~(D)~~(E) Procedural Form B-21 Statement of Social Security Number;
- (F) copies of payment advices or other evidence of payment, if any, with all but the last four numbers of the debtor's Social Security Number redacted, received by the debtor from an employer within 60 days before the filing of the petition;
- (G) a record of any interest that the debtor has in an account or program of the type specified in § 521(c); and
- (H) a certificate for credit counseling and debt repayment plan, if any, a certification under § 109(h)(3), or a request for determination by the court under § 109(h)(4).

(3) Electronically filed petitions must follow the same order as listed in paragraph (a)(1) above, except that the Declaration Re: Electronic Filing must be conventionally filed ~~submitted~~ in lieu of Form B-21.

**(b) Matrix.** Every petition must be accompanied by a matrix in a form prescribed by the clerk and adopted by D. Kan. Bk. S.O. 05-1. Names and complete addresses of creditors must be listed in alphabetical order. The first and succeeding pages of a conventionally filed matrix must list on the reverse side of the page the name of the debtor.

Every matrix, whether original or amended, must be signed and verified as provided in Fed. R. Bankr. P. 1008.

**(c) Creditors' Schedules.** Creditors must be listed alphabetically with the full address of each, including post office box or street number, city or town, state and zip code. If it is known that the account or debt, **including any applicable domestic support obligation, as that term is defined in § 101(14A)**, has been assigned or is in the hands of an attorney or other agency for collection, the full name and address of such assignee or agent must be set forth, but without twice extending the dollar amount of the debt. Each entry required by this subsection must be separated by two spaces from the next succeeding entry. If an agency of the United States or the State of Kansas is listed as a creditor, the agency must be noticed as provided by D. Kan. Bk. S.O. 05-27.

~~**(d) Schedule of Current Income and Expenses of Individual Debtors.** Spousal income and expenditures must be completed in all cases filed by joint debtors and by a married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.~~

\* \* \*

As amended 310/17/05.

*Comments: This rule was amended to include new documents required by BACPA, to refer to official form names whenever possible, and to remove the requirement of providing spousal income in paragraph (d), since this information must be provided in the Statement of Current Monthly Income. A few small stylistic changes were also incorporated.*

**LBR 1009.1**  
**AMENDMENTS TO LISTS AND SCHEDULES OF**  
**CREDITORS AND APPLICABLE DEADLINES**

**(a) Notice.** Debtor must serve amendments to Schedules D, E, **F, G** or **F H** and matrices on affected entities, the trustee and the United States trustee, ~~in time to comply with applicable provisions of § 523(a)(3),~~ with a notice **in compliance with** (Appendix 1-01.) as follows:

~~(a) Affected Entities.~~ For each affected entity, the name and address, amount owed, and date the debt was incurred:

~~(b) Counsel.~~ The name and address of debtor's counsel and the trustee.

~~(c) Bar Date.~~ The bar date for filing claims, or a statement that no date has been set, or that it is a no-asset case and claims need not be filed. If the time has passed, or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days after service of the notice to file claims.

~~(d) Deadlines.~~ If the deadline for filing § 523 and § 727 complaints has passed, or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days after service of the notice to file complaints.

~~(e) Verification.~~ An amendment must be signed and verified in the same manner required for originals.

~~(f)~~**(c) Filing Fees.** An amendment to schedules or lists of creditors must be accompanied by the applicable filing fee as prescribed by the Administrative Office of the United States Courts as of the date of the filing of the amendment.

\* \* \*

**As amended 10/17/05.**

*Comments: This rule was amended to conform to amendments to the corresponding Federal rule that takes effect December 1, 2005. The rule was also amended to remove questionable language about deadlines. Finally, the rule was stylistically revised for readability. The above changes were also incorporated into Appendix 1-01, below.*

Appendix 1-01 to LBR 1009.1

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF KANSAS

In Re:                                 )  
  )                         Case No.  
Debtor(s)                            )

**NOTICE OF AMENDMENT OF SCHEDULES D, E, F, G OR F H**  
**(ADDITION OF CREDITOR(S))**

You are hereby notified that the debtor(s) has filed the attached amended schedule(s) of debt to include the creditor listed below. Debtor's counsel shall also separately provide you a copy of the debtor(s)' full **s** Social **s** Security **n** Number.

1. Creditor (name and address): \_\_\_\_\_
2. Claim (amount owed, nature of claim, date incurred):  
\_\_\_\_\_
3. This claim has been scheduled as (Check one box):  
[ ] secured; [ ] priority; [ ] general unsecured.
4. Trustee, if one has been appointed: \_\_\_\_\_
5. Original deadline for filing proofs of claim:  
\_\_\_\_\_
6. Deadline for filing complaints objecting to discharge of specific debts or of debtor under 11 U.S.C. § 523, 727 [Date]: \_\_\_\_\_  
or  
\_\_\_\_\_ This claim was added to the schedules after the deadline for filing complaints stated above. ~~The creditor shall have 30 days after the date of service below to file complaints.~~

**Check applicable provision(s) below:**

- \_\_\_\_\_ This is a no-asset case. It is unnecessary to file a claim now. If it is determined there are assets to distribute, creditors will receive a notice setting a deadline to file claims.
- \_\_\_\_\_ This claim was added to the schedules after the deadline for filing claims stated above. ~~The creditor shall have 30 days after the date of service below to file a proof of claim on the form included with this notice.~~
- \_\_\_\_\_ This is a Chapter 13 case. You have ~~30 days from the date of this notice or until the bar date, whichever is later,~~ to file your proof of claim.
- \_\_\_\_\_ A plan in this case was confirmed on [Date]. ~~You may file an objection to the amended schedules or the treatment afforded your claim under the plan by [Date (40 days after filing of the amendment)]. If an objection is timely filed, a non-evidentiary preliminary hearing will be held on [Date] at [Time] am/pm at [Location].~~
- \_\_\_\_\_ No plan has been confirmed in this case, but a confirmation hearing is currently set for [Date] at [Location]. Since the amendment was filed too late to give notice, you may file an objection to either confirmation of the plan or the amendment to the schedules by [Date]. If an objection is timely filed, a non-evidentiary preliminary hearing will be scheduled and notice provided by the Clerk upon expiration of the deadline date.

\_\_\_\_\_  
**Attorney for Debtor(s) (type name and address)**

Certificate of Service: I, \_\_\_\_\_, certify the above notice and a separate notice of the full ~~s~~ Social ~~s~~ Security ~~n~~ Number of the debtor(s) was served on the above-named creditor by first class, postage prepaid mail, on \_\_\_\_\_.

\_\_\_\_\_  
(Signature above)

\* \* \*

As amended ~~3~~10/17/05.

**LBR 2002.1**  
**NOTICE TO CREDITORS AND**  
**OTHER INTERESTED PARTIES**

**(a) General.** Notices served by the clerk are generally mailed by the Bankruptcy Noticing Center (“BNC”).

**(b) Undeliverable notices.** A matrix that does not comply with the requirements of D. Kan. LBR 1007.1 and any applicable Standing Order may cause certain notices to be undeliverable by the BNC. The clerk, or some other person as the court may direct, will notify the debtor's attorney, or the debtor if not represented, of any undelivered notices, together with the underlying matrix deficiency (e.g., incomplete address, missing zip code). Within 5 days after notification, the debtor's attorney, or the debtor if not represented, must:

- (1) file the corrected BNC Bypass Notice; and
- (2) serve any undelivered notices to all parties not served by the BNC.

**(c) Preferred Addresses and National Creditor Register Service in Chapter 7 or 13 cases filed after October 16, 2005 under 11 U.S.C. § 342(e) and (f).**

(1) Pursuant to 11 U.S.C. § 342(e) and (f), an entity and the BNC may agree that when the BNC is directed by the Court to give a notice to that entity, the BNC shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the BNC. That address is conclusively presumed to be a proper address for the notice. The BNC’s failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

(2) The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the BNC will constitute the filing of such a notice with the Court.

(3) Registration with the National Creditor Registration Service must be accomplished through the BNC. Forms and registration information is available at [www.ncrsuscourts.com](http://www.ncrsuscourts.com).

(4) A local form for use by creditors in filing notice of preferred address under 11 U.S.C. § 342(e) is available on the Court’s website at <http://www.ksb.uscourts.gov>.

\* \* \*

As amended 3/17/05.

As amended 10/17/05.

**LBR 2014.1**  
**APPLICATION FOR EMPLOYMENT**  
**OF PROFESSIONALS**

**(a) Trustee/Debtor-in-Possession's Application to Employ Attorney to Conduct Chapter 11 Case.** Under § 327, a trustee/debtor-in-possession may employ attorneys to conduct the chapter 11 case (as distinguished from attorneys employed other than to conduct the case). To employ attorneys to conduct the case, the trustee/debtor-in-possession must file *with the petition* **an application to employ attorneys to conduct the case in accordance with the limitations on compensation as set out in § 328.**

(1) The application must include the following information for *the firm and for each individual* attorney who will appear before the court in the conduct of the case:

- (A) the attorney's name and address;
- (B) specific facts showing the necessity for the employment;
- (C) the reasons for the selection;
- (D) the professional services to be rendered; and
- (E) any proposed arrangement for compensation.

(2) The application must be accompanied by the statement of compensation paid or agreed to be paid required by § 329---Official Bankruptcy Form B203, Disclosure of Compensation of Attorney for Debtor.

**(b) Accompanying Affidavit.** The application must be accompanied by a separate affidavit signed by *each* individual attorney who will appear before the court in the conduct of the case, stating:

- (1) that the attorney is disinterested;
- (2) that the attorney does not hold or represent an interest adverse to the estate;
- (3) a description of the inquiry made to determine that the attorneys who will appear before the court in the conduct of the case and all the members of the firm do not hold or represent an adverse interest to the estate and are disinterested persons;
- (4) the firm's and the attorney's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee;
- (5) the attorney understands that there is a continuing duty to disclose any adverse interest and change in disinterestedness; and
- (6) the attorney understands that the court's approval of the application is not approval of any proposed terms of compensation and under § 328(a) the court may allow compensation on terms different from those proposed.

**(c) Notice and Certificate of Service.** The application must be accompanied by a Notice with Opportunity for Non-Evidentiary Hearing or Notice with Objection Deadline in accordance with the noticing guidelines applicable to the division and judge to whom the case is assigned and must contain a certificate evidencing service of the application, the affidavits, and the notice upon the required parties.

**(d) Service.** The application, attorney affidavits, and notice must be served forthwith upon the following:

- (1) the United States trustee;
- (2) all creditors holding secured claims;
- (3) all parties requesting notice; and



(4) any operating creditors' committee, or if none, upon the List of Creditors Holding 20 Largest Unsecured Claims--Official Bankruptcy Form 4.

(e) **Objections.** Interested parties must object to the application within 20 days. If no objection to the application is timely filed, the court may forthwith approve the attorney's employment to represent the trustee/debtor-in-possession.

(f) **Proposed Order Approving Employment.** The trustee/debtor-in-possession must submit with the application a proposed Order Approving Employment in accordance with the noticing guidelines for submission of orders applicable to the division and judge to whom the case is assigned. The proposed order must acknowledge that:

(1) the court's approval of an application in which a professional states an intention to be compensated at a specific hourly rate does not constitute approval of the hourly rate or other terms of compensation; and

(2) approval of the terms of compensation will be considered by the court when a final allowance of compensation is made.

(g) **Trustee's or Committee's Application to Employ Professionals Other Than Attorneys to Represent the Trustee/Debtor-in-Possession in Conducting a Chapter 11 Case.** Trustees or committees applying to employ firms of professionals or individual professionals (whether special counsel, accountants, appraisers, or otherwise) must also follow the application, service, notice and certification of service, objection, and proposed order procedures set forth above. Each individual professional (whether or not an attorney) seeking employment must file an affidavit containing the information required by subsection (a)(1).

(h) When a Chapter 7 trustee applies to appoint himself or herself as counsel for the estate, however, the notice required by paragraph (b), above, may be restricted to the United States trustee only.

\* \* \*

As amended 10/17/05.

*Comments: Paragraph (a) was amended to conform to limitations imposed by the BAPCPA.*

**~~LBR 2015(a).1~~**  
**~~TRUSTEE COMPLIANCE WITH ADMINISTRATIVE~~**  
**~~REQUIREMENTS OF UNITED STATES TRUSTEE~~**

~~Trustees must comply with all administrative reporting requirements of the United States trustee, including the types of reports to be filed, the contents of those reports, and the timing of filing the reports.~~

*Comments: This rule is repealed as redundant with known duties.*

**LBR 3001.1**  
**CLAIMS**

**(a) Service.** Claimants in chapters 11, 12, and 13 must send a copy of the proof of claim to debtor's counsel, or to the debtor if not represented, at the time of filing.

**(b) Withdrawal of Written Instruments Filed with Claims.** Written instruments or other documents conventionally filed with a proof of claim may be withdrawn upon written request of the claimant, provided the request is accompanied by photostatic or other exact copies of the documents to be withdrawn. If the documents are negotiable instruments, the originals must be stamped with a statement indicating they were filed in support of a claim and showing the name, case number and the date the claim was filed.

**(c) Secured and Unsecured Claims.** A proof of claim must indicate whether the claim is secured, unsecured, or if both, must specify the respective amounts claimed. The claim may include proposed amounts for secured and unsecured claims and must clearly indicate that it includes a proposed amount.

**(d) Amendment to Claim in Chapter 7.** A proof of claim, other than a priority claim, may be amended at any time prior to notice of final distribution by the trustee, but not thereafter. A priority claim may be filed or amended ~~at any time before the trustee commences distribution~~ **on or before the date that is ten days after the mailing to creditors of the summary of the trustee's final report or the date on which the trustee commences final distribution under § 726, whichever is earlier.** If the trustee has not objected to secured claims, he or she must give 20 days' notice to all parties who have filed secured claims of his or her intent to file and serve a notice of final distribution.

**(e) Filing of Requests for Administrative Expenses in a Chapter 7 Case.** A request for payment of administrative expenses must be filed prior to the notice of final distribution by the trustee.

\* \* \*

**As amended 10/17/05.**

*Comments: This rule was amended to conform to new limitations on amendments to claims specified in the BAPCPA and case law in the Tenth Circuit.*

**LBR 3015(b).1**

**CHAPTER 13 PLAN AND PRE-CONFIRMATION  
ADEQUATE PROTECTION PAYMENTS**

**(a) Filed with Petition.** A chapter 13 plan filed with the petition will be served, together with notice of the time for filing objections and the hearing to consider confirmation, by the Bankruptcy Noticing Center ("BNC").

**(b) Filed after Petition.** A plan filed after the petition must be served, together with notice of the time for objections and the hearing to consider confirmation, by the debtor's attorney, or the debtor if not represented. A certificate of service must be filed within 5 days of service.

**(c) Failure to File.** Unless an extension has been obtained, failure to file a plan, together with a certificate of service, prior to the first scheduled meeting of creditors held pursuant to § 341 will result in dismissal of the case for unnecessary delay without further notice to the debtor or counsel.

**(d) Treatment of Real Estate Mortgage Arrearage Claims and Continuing Payments.** A timely claim for mortgage payments or mortgage arrearages will be paid by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation, or specific language in the Order of Confirmation otherwise directs payment.

**(e) Treatment of Priority Claims.** A timely priority claim will be paid in full by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation or specific language in the Order of Confirmation otherwise directs payment.

**(f) Objection to claim.** Nothing in this Rule abrogates the right of the debtor, trustee or other party in interest to object to any claim.

**(g) Plan Payments; Adequate Protection Payments under § 1326(a)(1)(C):**

**(1) Pre-confirmation § 1326(a)(1) Payments to Trustee:** Unless the court orders otherwise, debtors shall pay directly to the trustee all pre-confirmation adequate protection payments payable to creditors whose claims are secured by purchase money security interests in personal property. The trustee shall promptly distribute those payments to the secured creditors whose interests are being protected, except the trustee shall be permitted to retain the portion of the payment representing the statutory percentage trustee fee required to be paid under subsection (g)(2)(ii).

**(2) Plan Payments:** The chapter 13 plan shall specify the amounts to be paid on account of each allowed secured claim to be treated under the plan. The total amount of the plan payment to be made to the trustee by a debtor pursuant to § 1326(a)(1) shall include: (i) an amount equal to any proposed adequate protection payment to each secured creditor whose claim is secured by a purchase money security interests; (ii) any trustee's fees to be paid upon the distribution of a payment described in (i); and (iii) any other amounts to be paid to the trustee under the plan. The plan shall contain the name of any secured creditor to receive pre-confirmation adequate protection payments, the proper service address for receipt of payments by that creditor, and the account number.

**(3) Amount of Adequate Protection Payments under § 1326(a)(1)(C):** Unless a different payment amount is ordered by the court, the debtor shall pay adequate protection payments equaling the payment provided in the debtor's chapter 13 plan pursuant to subsection (g)(2)(i) plus statutory percentage trustee fees required by subsection (g)(2)(ii) when that payment is being made to the trustee. If the secured creditor files a proof of claim specifying a different payment amount, the claim amount will thereafter control for payment and distribution unless the court orders otherwise.

**(4) Direct Payment Opt-Out:** Secured creditors eligible for direct payment of adequate protection under § 1326(a)(1) may opt for such direct payments by filing a motion seeking such treatment and noticing it for objection in accordance with these rules and the procedures of the division in which the case is pending. If no timely objection is filed, the court may enter an order requiring direct payments without further hearing. In the event such an order is entered, the debtor shall make those payments directly to the secured creditor, and file a certification of such payments accordance with § 1326(a)(1)(C).

**(5) Pre-confirmation Disbursements of Adequate Protection Payments to Secured Creditors by Trustee:** Pre-confirmation disbursements of adequate protection payments under § 1326(a)(1) are hereby authorized without further order, but such disbursements shall not be made unless the secured creditor has filed a proof of claim with the court. Pre-confirmation disbursements under § 1326(a)(1) shall be made to creditors within 30 days of the filing of the proof of claim, unless, within 7 business days prior to the end of such 30 day period, the trustee has not received sufficient, cleared funds to make such payment. The trustee is authorized to deduct from an allowed claim all § 1326(a)(1) pre-confirmation disbursements.

\* \* \*

As amended 10/17/05.

**LBR 3022.1**  
**FINAL DECREE IN NON-INDIVIDUAL CHAPTER 11**  
**REORGANIZATION CASES**

**(a) Timing.** Within 3 months after the order of confirmation is entered, the plan proponent must file an application for a final decree, or show cause why the final decree cannot be entered. If an application is not filed within 3 months, a status report must be filed every 6 months thereafter until entry of the final decree.

**(b) Content.** The application for final decree must show that the estate has been fully administered and must include information concerning:

- (1) the date the order confirming the plan became final;
- (2) whether deposits required by the plan have been distributed;
- (3) whether the property proposed by the plan to be transferred has been transferred;
- (4) whether the debtor or successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
- (5) whether payments under the plan have commenced;
- (6) whether all motions, contested matters and adversary proceedings have been finally resolved;
- (7) whether all fees due under 28 U.S.C. § 1930 have been paid;
- (8) a summary of professional fees awarded in the case;
- (9) the percentage paid to unsecured creditors; and
- (10) other facts as may be necessary to enable the court to pass on the provisions to be included in the final decree.

**(c) Notice.** The applicant must give 30 days' notice to the following in accordance with the noticing guidelines provided by the clerk:

- (1) all parties requesting notice;
- (2) the United States trustee; and
- (3) any operating creditors' committee, or if none, creditors holding the largest 20 unsecured claims.

\* \* \*

As amended 10/17/05.

*Comments: This rule was revised to specify that it only applies to non-individual debtors, because the BAPCPA treats individual Chapter 11 debtors differently.*

**LBR 4001(a).1**  
**STAY RELIEF**

**(a) Adequate Protection.** A motion for stay relief may be combined with a request for adequate protection.

**(b) Waiver.** The following constitutes a voluntary waiver of the 30 day requirement for a hearing contained in § 362(e):

- (1) the motion for stay relief includes a request for any other related relief;
- (2) movant sets a motion for stay relief, pursuant to D. Kan. LBR 9013.2 for a docket more than 30 days from the filing of the motion, which is considered a preliminary hearing under that section; and
- (3) movant fails to request that the final hearing be concluded within 30 days of the preliminary hearing.

**(c) Effect of Debtor's Stated Intent to Surrender Property.** So long as an individual chapter 7 debtor's Statement of Intention (Official Bankruptcy Form 8) indicating an intent to surrender property that secures a debt owed to a creditor has not been amended or withdrawn, the debtor will be deemed to have agreed to the specified creditor's stay relief motion concerning that property. When a stay relief motion clearly informs the Clerk's Office that it is being filed pursuant to this provision, the filing fee shall be the same as for a motion for approval of an agreement or stipulation for stay relief. A creditor that files a stay relief motion pursuant to this provision must give notice of the motion (and the deadline for filing objections) to the debtor, as well as to any other parties required by the Bankruptcy Code or applicable rules of procedure.

**(d) Information and Documentation Required With Motions For Relief From Automatic Stay.** Motions for Relief From Stay must include the following:

- (1) Copies of documents upon which the claim is based, including loan documents and documents that evidence both the grant of the lien, security interest, mortgage or other encumbrance, and its proper perfection or proper recordation;
- (2) The balance owing as of the date the petition is filed, and the date and amount of any payments received since the filing;
- (3) The number of payments the debtor is in arrears, and the amount of each such payment, including the total arrearage as of the petition date;
- (4) The movant's best estimate of the value of the collateral;
- (5) The identity of any person or entity claiming an interest in the property that is the subject of the motion and of which movant is aware.

**(e) Post-Petition Stay Relief in Chapter 13 Cases.** If the movant is seeking stay relief for default in post-petition payments on property that is either the debtor's principal residence or a long term debt that debtor's Chapter 13 Plan provides for pursuant to § 1322(b)(5), then the motion and/or exhibit(s) thereto shall contain the following:

- (1) A legible post-petition payment history that sets forth the date each post-petition payment was received, the amount of each post-petition payment, and how each post-petition payment was applied;
- (2) An itemization of any other expenses or fees that are due post-petition including attorney fees, filing fees, late payment fees, and escrow advance;
- (3) The total dollar amount necessary to cure the post-petition debt as of a date certain;
- (4) The address where the current monthly payment is to be mailed if the mailing address is

not listed in the movant's filed proof of claim or if the mailing address has changed.

**(f) Conditional Orders Granting Stay Relief in Chapter 13 Cases.** An order that resolves the motion for stay relief agreed to by the parties and that does not grant immediate stay relief shall be known as a "Conditional Order Granting Stay Relief," and the following shall apply upon alleged default:

(1) The movant shall file and serve a notice of the default upon debtor and debtor's counsel, which shall set forth the payments allegedly missed and any other term(s) allegedly breached.

(2) If debtor disputes the default, then debtor shall file a response within the time set forth in the Conditional Order Granting Stay Relief or within 15 days, whichever is later, and the court will set the matter for hearing. If debtor does not timely file a response to the notice of default, movant shall submit to the court a final order granting stay relief.

(3) The trustee shall continue to disburse on movant's claim until the final order granting relief from stay is entered. If the final order granting stay relief is entered, the trustee shall, as of the date of the order, adjust movant's claim to zero (\$0.00) and make no further disbursements on the claim. It is the responsibility of the parties to notify the trustee of any agreement or ruling reinstating the automatic stay and the terms thereof, so that the claim may be restored.

**(g) Stay relief.** A creditor who files a stay relief motion pursuant to this rule must give notice of the motion (and the deadline for filing objections) to the debtor, as well as to any other parties required by the Bankruptcy Code or applicable rules of procedure. Notice with an objection deadline is not required when the creditor simultaneously submits, with the motion for stay relief, an agreed order signed by the creditor's attorney, debtor's attorney, and trustee.

\* \* \*

As amended 10/17/05.

*Comments: New subsection (g) was added to prevent any confusion about noticing requirements under subsection (c).*

**LBR 4001(a).2**  
**EFFECT OF AUTOMATIC STAY IN**  
**CHAPTER 12 AND 13 CASES ON INCOME**  
**WITHHOLDING ORDERS FOR CHILD SUPPORT**  
**IN CASES FILED BEFORE OCTOBER 17, 2005**

**(a) Income Withholding Orders for Current Child Support.** Unless the debtor files along with the petition a motion pursuant to paragraph (c), the automatic stay imposed by § 362(a) does not affect current child support orders enforced by income withholding orders on the date the bankruptcy petition is filed, whether imposed or voluntary.

**(b) Income Withholding Orders for Past Due Child Support.** The automatic stay remains in force as it pertains to past-due child support enforced through an income withholding order, whether imposed or voluntary, on the condition that the debtor's plan specifically addresses and treats the debtor's obligation to pay past-due child support.

**(c) Termination of Income Withholding Orders.** Termination of an income withholding order that enforces a current child support obligation must be made by motion that sets out specific grounds justifying the termination of the withholding order and the continued application of the automatic stay. If the motion is denied, the prevailing party may be awarded reasonable costs, fees, and expenses incurred in opposing the motion, as authorized by applicable rule or statute.

**(d) No Income Withholding Order.** Nothing in this rule affects the obligation of a debtor to pay child support not being collected by an income withholding order.

**(e) Applicability.** Due to the adoption of the BAPCPA, this rule is abrogated for all cases filed after October 16, 2005.

\* \* \*

As amended 10/17/05.

*Comments: This rule was amended to clarify that it is ONLY applicable to cases filed before the effective date of the BAPCPA.*



**LBR 4002.12**

**TRUSTEE REQUESTS FOR INFORMATION  
FROM DEBTORS**

**(a) Compliance with Trustee's Request.** ~~Unless otherwise ordered by the court, A~~ a debtor must ~~promptly~~ comply ~~within 15 days~~ with a ~~any written~~ request for information made by a trustee or the United States trustee. ~~No later than 15 days after service of any written request, a debtor must:~~

~~(1) serve on the trustee an appropriately executed writing containing the information requested; or~~

~~(2) serve on the trustee and file with the court a written objection, a copy of the request, and a request for a hearing.~~

**(b) Filing of Requests and Responses.** The trustee must not file copies of the requests with the court unless the debtor fails to comply with this rule and the trustee requests the court to compel compliance. ~~Unless in response to a trustee's motion to compel, T~~he debtor must not file copies of responses with the court ~~unless the responses are in the form of an amendment to the statements of affairs, schedules, monthly financial statements or as otherwise required.~~

\* \* \*

~~As amended 10/17/05.~~

*Comments: This rule is modified stylistically and to clarify when documents should be filed with the court.*

## **LBR 4002.21**

### **TRUSTEE'S REQUEST FOR EVIDENCE OF INCOME, INCLUDING TAX RETURNS IN CHAPTER 13**

In all cases filed under or converted to Chapter 13 addition to the other duties required under § 521, the debtor must provide to the trustee at least seven days prior bring to the meeting of creditors held under § 341, completed copies of the most recent 2one years of Federal and State income tax returns filed pre-petition with the respective taxing authority, where applicable, unless the trustee requests otherwise. and current pay stubs or other evidence of current income for the period of time from 30 days prior to filing of the case to the date upon which the § 341 meeting is held. If the debtor has not filed a tax return for the most recent tax year ending before the commencement of the case and that return is not yet due, the debtor shall timely file the return with the appropriate taxing authorities, and provide a signed copy of the return to the trustee, within seven days of its filing. The trustee may request the debtor to provide copies of Federal and state income tax returns for pre-petition and post-petition tax periods for any year in which the case is pending. The chapter 13 trustee may request the debtor to provide to the trustee a statement of income and expenditures described in § 521(f)(4). This rule or any request by the trustee under this rule does not constitute a request to the debtor under § 521(f) to file copies of such tax returns or statement of income and expenditures directly with the bankruptcy court.

\* \* \*

As amended 10/17/05.

*Comments: LBR 4002.2 was renumbered as LBR 4002.1. The rule is amended to note the requirement of the debtor to provide the trustee with copies of the most recent year of Federal and state income tax returns at least seven days prior to the § 341 meeting and to allow the trustee to request copies of the debtor(s)' tax return(s) for any year during the pendency of the case. The rule also clarifies that when a debtor files a case before the previous tax year's returns are due, the debtor must complete and file the return by its due date and provide the trustee with a copy of the return within seven days thereafter. This accords with § 521(f)(2)(A)(I) which requires submission of a copy of the last year's return. Finally, the rule was amended to note that the trustee's request not be deemed or construed to constitute a requirement that the debtor file returns or pay stubs directly with the court under 11 U.S.C. § 521(f).*

### LBR 4002.3

#### **DELINQUENT TAX RETURNS**

**(a) ~~Duty to File Returns.~~** ~~In all cases debtors must file tax returns for all pre-petition periods within 75 days of the date of filing the petition or by the due date of the return, if later. This rule does not apply, however, to income tax returns that are due more than 3 years before the date of the petition.~~

**(b) ~~Place of filing.~~**

(1) The original of all ~~f~~**Federal tax returns for pre-petition tax periods** filed as required by section (a) and all post-petition federal returns coming due prior to confirmation of any plan **after the filing of the bankruptcy petition** must be filed with:

Internal Revenue Service  
271 W 3rd Street N Suite 3000  
STOP 5333 WIC  
Wichita KS 67202

A signed copy of each return must also be sent to the United States Attorney's Office located in the city where the bankruptcy case is filed.

(2) Except as required by paragraph (b)(3), the original of all state of Kansas tax returns **for pre-petition tax periods** filed as required by section (a) and all post-petition state of Kansas tax returns coming due prior to confirmation of any plan **after the filing of the bankruptcy petition** must be filed with:

Kansas Department of Revenue  
Civil Tax Enforcement  
P O Box 12005  
Topeka KS 66612-2005

(3) The original of all state of Kansas unemployment tax returns for pre-petition tax periods filed by a Kansas employer, as required by paragraph (a), and all post-petition state of ~~Kansas unemployment tax returns coming due prior to confirmation of any plan~~ **after the filing of the bankruptcy petition** must be filed with:

Kansas Department of Labor  
Attn Delinquent Account Unit  
401 Topeka Blvd  
Topeka KS 66603-3182

**(c) ~~Dismissal for Non-Filing.~~** ~~If any pre-petition return remains unfiled after expiration of the 75 day period or the due date, the taxing authority may file a Notice of Dismissal for Non-Filing of Tax Returns with Objection Deadline and serve copies on the trustee, debtor, and the debtor's attorney. The Notice must be accompanied by a Notice With Opportunity for Hearing in Compliance with the Court's Motions Docket Instructions, setting forth the exact date for the filing of objections to dismissal and stating the date and time the matter will be heard by the court. If no objection is filed, or if the court determines dismissal is warranted after hearing as provided for in section (d) below, the court will dismiss the case without prejudice, unless the court determines that the circumstances warrant dismissal with prejudice.~~

**(d) ~~Hearing on Objection to Dismissal.~~** ~~The debtor or trustee may, on or before the objection deadline set out in the Notice With Opportunity for Hearing, file and serve a written objection to dismissal of the case upon the taxing authority and the U.S. Attorney's Office located in the city where the bankruptcy case is filed if the tax return at issue is a federal tax return, and the Kansas Department of Revenue, or appropriate state taxing authority, if the tax return at issue is a state return. The objection must state good cause as to why the case should not be dismissed and, if filed by the debtor, good cause why the past due returns have not been timely filed. In the event an Objection to Dismissal is timely filed by the debtor or trustee, the~~

~~matter will be heard by the court at the date and time set forth in the Notice of Non-Filing of Tax Returns With Objection Deadline required by section (c) above.~~

~~\* \* \*~~

As amended 10/17/05.

*Comments: This rule is modified to provide debtor/debtor counsel with guidance on where to file. Other provisions of the rule have been superseded by the BAPCPA.*

**~~LBR 4003(a).1~~**

**~~TIME LIMITS FOR AVOIDANCE OF LIENS  
ON EXEMPT PROPERTY IN CHAPTER 7~~**

~~A motion to avoid a judicial lien or a non-possessory, non-purchase money security interest against exempt property as authorized by § 522(f) must be filed not later than 60 days from the first date set for the meeting of creditors held under § 341. If the exemption is allowed after the 60 day period, the motion must be filed not later than 30 days from the date the exemption is allowed. Except for cause shown, a motion filed thereafter is untimely. This rule does not affect the application of § 521 in consumer cases.~~

*Comments: This rule is repealed.*

**LBR 4070.1**  
**INSURANCE ON MOTOR VEHICLES**

**(a) Definitions.**

(1) "Motor vehicle" includes, but is not limited to, any automobile, motorized mobile home, or house trailer designed for travel on the public highways and/or capable of travel on the public highways.

(2) "Proof of insurance" means a certificate of insurance, or other written evidence of sufficient reliability from the insurance carrier stating that insurance is in force, the amounts and types of coverage, a notation of the secured party as a loss payee, and the time period for which such coverage exists.

**(b) Proof of Insurance.** Except as provided in § 1326(a)(4), Pproof of insurance against physical damage and loss for any motor vehicle belonging to or leased by the debtor or the estate, ~~which~~ **that** is subject to the lien of a creditor holding an allowed secured claim, must be furnished to the trustee and the creditor at or before the meeting held under § 341 or upon written demand as ~~hereinafter~~ provided in (c)(1) below. Failure to immediately furnish proof of insurance is presumed to mean no insurance is in effect. Any written "binder" must be followed by proof of permanent insurance.

**(c) Termination of Insurance.** If during the pendency of a case, insurance is canceled, not renewed, expires, or lapses for any reason, on any motor vehicle, the following sequence of events may occur:

(1) Notice of Intent. A creditor with an allowed claim secured by the motor vehicle for which insurance has been terminated, as ~~hereinbefore~~ defined in this rule, or has received notice of the insurer's intent to terminate insurance for any reason ~~hereinbefore~~ defined, must notify, in writing, the debtor, the debtor's attorney, and the trustee of the termination, or notice of intent to terminate insurance. Service of notice upon the debtor and the debtor's attorney must be in the manner specified in Fed. R. Bankr. P. 7004(b)(9).

(2) Injunction. The debtor is enjoined from using the motor vehicle for which insurance has, in fact, been terminated as long as the motor vehicle remains uninsured.

(3) Possession. If the debtor fails to provide proof of reinsurance to the creditor within 5 business days following delivery of the notice provided in subsection (c)(1), or fails to provide proof of re-issuance by the day before termination of any grace period granted by the insurer, if later, the debtor must surrender the motor vehicle to the creditor or the creditor may take possession of the motor vehicle securing its claim and hold it pending presentation of proof of insurance by the debtor.

(4) Motion for relief from stay. Within 5 days after taking possession of a motor vehicle, the creditor must file with the court a motion for relief from the automatic stay under § 362.

**(d) Subsequent Termination.** In the event insurance on a motor vehicle lapses twice during the pendency of a case, the court may, upon the filing of a motion in accordance with ~~section~~ § (c)(4) hereof, accompanied by an affidavit evidencing compliance by the creditor with the provisions of this ~~R~~rule and evidencing the previous lapse of insurance coverage, grant the creditor relief, including relief from the automatic stay, without further hearing.

\* \* \*

**As amended 10/17/05.**

*Comments: This rule was amended stylistically.*

### LBR 5003.1

#### ACCESS TO COURT RECORDS

**(a) Access.** The public records of the court are available for examination in the clerk's office during normal business hours.

**(b) Copies.** The clerk will make and furnish copies, as time permits, of official public court records upon request and payment of prescribed fees.

**(c) Sealed or Impounded Records.** Records or exhibits ordered sealed or impounded by the court are not ~~classified as~~ public records within the meaning of this rule.

**(d) Restricted Access Records.** Records or exhibits filed with the court, which are nonpublic as specified in the Code or Federal Rules of Bankruptcy Procedure, are not public records within the meaning of this rule.

**(de) Search for Cases by the Clerk.** The clerk's office is authorized to make a search of the most recent ten years of the master index maintained in the office, and to issue a certificate of the search. The clerk will charge in advance a fee for each name for which a search is conducted, as prescribed by the Administrative Office of the United States Courts.

\* \* \*

As amended 10/17/05.

*Comments: Sections 112, 521, 707, etc. create records that must be filed with the court, but which are only to be available to selected parties. These records are not "public" since various confidentiality requirements apply. These records are not sealed or impounded in the traditional sense, because they are available to selected parties.*

**LBR 5075.1**  
**ORDERS BY BANKRUPTCY CLERK; REVIEW**

**(a) Orders.**

(1) The clerk is authorized to sign and enter the following orders without further direction by the court:

(A) in adversary proceedings

(i) an order extending once for 10 days, the time within which to answer, reply or otherwise plead to a complaint, cross-claim or counterclaim if the time originally prescribed to plead has not expired;

(ii) a consent order dismissing an action, except in cases governed by Fed. R. Bankr. P. 7023 and/or D. Kan. LBR 7041.1;

(iii) entry of default and judgment by default as provided for in Fed. R. Bankr. P. 7055;

(B) an order for the payment of money on consent of all interested parties;

(C) a consent order for the substitution of attorneys;

~~(D) in adversary proceedings, a consent order dismissing an action, except in cases governed by Fed. R. Bankr. P. 7023 and/or D. Kan. LBR 7041.1;~~

~~(E) in adversary proceedings, entry of default and judgment by default as provided for in Fed. R. Bankr. P. 7055;~~

~~(F)~~(D) an order permitting payment of filing fees in installments;

~~(G)~~(E) an order for compliance requiring timely filing of schedules and statements or for compliance with filing requirements and a notice of intent to dismiss for failure to comply;

(F) an order granting waiver of Chapter 7 filing fees; and

~~(H)~~(G) any other order that is specified by Standing Order as not requiring special direction by the court.

(2) Any order submitted to the clerk under this rule must be signed by the party or attorney submitting it, and is subject to the provisions of Fed. R. Bankr. P. 9011 and D. Kan. LBR 9011.3.

(3) Any order submitted to the clerk for an extension of time under paragraph (a) must state:

(A) the date when the time for the act sought to be extended is due;

(B) the date to which the time for the act is to be extended; and

(C) that the time originally prescribed has not expired.

**(b) Action Reviewable.** Any order entered by the clerk under this rule may be suspended, altered or rescinded as authorized by Fed. R. Bankr. P. 9024.

\* \* \*

**As amended 10/17/05.**

*Comments: BAPCPA permits the bankruptcy court to waive Chapter 7 filing fees for individuals with an income of less than 150% of the official poverty line. Other changes are merely for clarity, by grouping the 3 "clerk's orders" dealing with adversary proceedings into one subsection, rather than in (A), (D) and (E), where they are now placed.*

### **LBR 6007.1**

#### **ABANDONMENT OF PROPERTY OF THE ESTATE**

When the Clerk of the Court provides the Notice of Bankruptcy Case, Meeting of Creditors and Deadlines, the Notice shall contain a provision that ~~W~~ within 60 days from the ~~date set for~~ conclusion of the meeting of creditors held under § 341, the trustee may file notice of intended abandonment of any or all of the debtor's ~~non-exempt~~ property of ~~in~~ the estate as authorized by § 554 without further service on creditors ~~except as noticed in case commencement or interested parties~~. Unless a creditor or interested party objects to abandonment within 75 days from the conclusion of the meeting of creditors held under § 341 ~~meeting date~~, the property subject to the intended abandonment will be deemed abandoned without further notice or order of the court.

\* \* \*

As amended 10/17/05.

*Comments: This rule was amended to allow the trustee to abandon any property of the estate pursuant to the rule. The rule was further amended to clarify that notice is provided via the 341 meeting notice.*

### **~~LBR 6008.1~~**

#### **~~REDEMPTION OF EXEMPT/ABANDONED PROPERTY IN A CHAPTER 7 CASE~~**

~~(a) Exempt Property.~~ A motion to redeem exempt property as authorized by § 722 must be filed not later than 60 days from the first date set for the meeting of creditors held under § 341. If the trustee recovers exempt property that the debtor is entitled to exempt, the motion must be filed not later than 15 days after the property is deemed exempt. Except for cause shown, a motion filed thereafter is untimely. This rule does not affect the application of § 521 in consumer cases.

~~(b) Abandoned Property.~~ A motion to redeem abandoned property as authorized by § 722 must be filed not later than 60 days from the first date set for the meeting of creditors held under § 341. If the trustee has not abandoned the property within that time, the motion must be filed not later than 15 days after abandonment. Except for cause shown, a motion filed thereafter is untimely. This rule does not affect the application of § 521 in consumer cases.

*Comments: This rule was rescinded because of BAPCPA amendments to § 521(a)(6). The court wishes to see if any further local rule will be necessary.*



### **LBR 7003.1**

#### **COMMENCEMENT OF ADVERSARY PROCEEDING**

**(a) Cover Sheet.** An Adversary Proceeding Cover Sheet, in a form supplied by the clerk, must be completed and attached to each complaint ~~commencing an adversary proceeding.~~ See ~~Fed. R. Bankr. P. 7003.~~

**(b) Case Number System.** Upon filing, an adversary proceeding will be assigned a number by the clerk that begins with a two-digit indicator of the year in which the proceeding was filed followed by a hyphen and the individualized case number of four digits. The four-digit individualized case numbers are as follows:

- Kansas City proceedings begin with a "6" (e.g., 05-6001);
- Topeka proceedings begin with a "7" (e.g., 05-7001);
- Wichita proceedings begin with a "5" (e.g., 05-5001).

\* \* \*

As amended 10/17/05.

*Comments: This rule was amended stylistically.*

### **LBR 7004.1**

#### **SERVICE OF SUMMONS AND COMPLAINT ON THE UNITED STATES OR THE STATE OF KANSAS**

**(a) Service on the United States.** ~~In addition to any service required by rule or statute, in all cases in which~~ When the United States and/or a department, agency or instrumentality of the United States is named as a party defendant, service of any summons or complaint must be made:

- (1) in the manner prescribed by rule or statute;
- (2) on the United States Attorney's Office located in the division headquarters city in which where the petition for relief has been was filed; and
- (3) also upon the department, agency or instrumentality of the United States as prescribed by D. Kan. Bk. S.O. 05-27.

**(b) Service on the State of Kansas.** ~~In addition to any service required by rule or statute, in all cases in which~~ When the State of Kansas and/or a department, agency or instrumentality of the State of Kansas is named as a party defendant, service of any summons or complaint must be made:

- (1) in the manner prescribed by rule or statute; and
- (2) on the department, agency or instrumentality of the State of Kansas as prescribed by D. Kan. Bk. S.O. 05-27.

\* \* \*

As amended 310/17/05.

*Comments: This rule was amended stylistically.*

**LBR 7012.1**  
**MOTIONS TO DISMISS**

**(a) Memorandum in Support.** ~~Any dispositive motion under~~ **supporting brief or memorandum must accompany a motion to dismiss made pursuant to** Fed. R. Bankr. P. 7012 ~~shall be accompanied by a memorandum or brief in support of the dispositive motion.~~

**(b) Time for Filing of Responses and Replies.** ~~A party shall have 23 days to file and serve a response to such motion to dismiss. After the service of a memorandum in opposition,~~ **Any opposing brief or memorandum in response to a motion to dismiss must be filed and served within 23 days.** ~~†The moving party may file and serve a~~ **supporting brief or memorandum in reply** ~~memorandum in support of the motion within 23 days of service of the response. These time periods include the additional 3-day period allowed under Fed. R. Civ. P. 6(e) and, therefore, apply regardless of the method of service. Cf. D. Kan. Rule 6.1(d)(2)~~ **The period to respond or reply applies regardless of the method of service because the period includes the additional 3-day period allowed under Fed. R. Civ. P. 6(e).**

**(c) Limit on Responses and Replies.** ~~No more than one response to a motion and one reply to a response, as allowed by D. Kan. Rule 7.1(c), can~~ **may** ~~be filed without prior order of the court.~~

**(d) Oral Argument.** A request for oral argument may be made in the motion or any memorandum.

\* \* \*

**As amended 10/17/05.**

*Comments: This rule was amended stylistically.*

**LBR 7026.1**  
**DISCOVERY**

**(a) Application.** This rule applies in ~~to~~ adversary proceedings, and contested matters as provided ~~prescribed~~ by Fed. R. Bankr. P. 9014 ~~or and when ordered of by~~ the court. ~~Except as specifically provided by order of the judge presiding over a particular matter, t~~The provisions of Fed. R. Civ. P. 26(a) and (f), and ~~the~~ corresponding sections of this rule, do not apply to contested matters ~~unless the presiding judge specifically orders otherwise.~~

**(b) Completion Time.** Discovery should be completed ~~within 4~~ four months ~~after the case becomes at issue, or within 4 months after a~~ from the later of the date the case becomes at issue or the date a scheduling order is issued pursuant to Fed. R. Bankr. P. 7016. The court, for good cause shown, may establish longer or shorter periods for the completion of ~~reduce or enlarge the discovery period.~~

**(c) Notice of Depositions Permitted by Fed. R. Bankr. P. 7030.** The reasonable notice provided by Fed. R. Civ. P. 30(b)(1) for the taking of depositions ~~deposing a person~~ is 5 days. ~~The unless the court, for good cause shown, may enlarges or shortens time the required notice for good cause shown.~~ Fed. R. Bankr. P. 9006 governs the computation of time.

**(d) Motions for Protective Order.** ~~A motion for protective order filed pursuant to Fed. R. Bankr. P. 7026(c) or 7030(d) stays the discovery at which the motion is directed pending order of the court. A motion to quash or modify a deposition subpoena filed pursuant to Fed. R. Bankr. P. 9016 stays the deposition at which the motion is directed. No properly noticed deposition is automatically stayed under this rule unless the motion directed at it is filed and served upon counsel or parties by delivering a copy within 10 days after service of the deposition notice, and at least 48 hours prior to the noticed time of the deposition. Pending resolution of any motion that stays a deposition under this rule, neither the objecting party, witness, nor any attorney will be required to appear at the deposition to which the motion is directed until the motion has been ruled upon or otherwise resolved.~~

**(1) Automatically Stays Discovery.** ~~Except as provided in paragraph (2), a motion for protective order filed pursuant to Fed. R. Bankr. P. 7026(c) or 7030(d), or a motion to quash or modify a deposition subpoena filed pursuant to Fed. R. Bankr. P. 9016, stays the discovery or deposition at which the motion is directed pending order of the court.~~

**(2) Proper Notice of Deposition.** ~~A motion filed under this rule will not stay a properly noticed deposition unless the motion is filed and served upon counsel or parties within 10 days after service of the deposition notice and at least 48 hours in advance of the deposition. No party, witness, or attorney is required to appear at a deposition stayed by a motion under this rule until the motion has been ruled upon or otherwise resolved.~~

**(e) Additional Interrogatories to Those Permitted by Fed. R. Bankr. P. 7033(a).** ~~A R~~requests for leave to serve additional interrogatories to those permitted by Fed. R. Bankr. P. 7033(a) must be ~~made~~ by motion ~~that settings~~ forth the proposed additional interrogatories and the reasons ~~that~~ establishing good cause for their service. ~~Additional interrogatories served under this rule and is are~~ subject to the provisions of subsection (j) of this rule.

**(f) Format for Interrogatories Served Pursuant to Fed. R. Bankr. P. 7033.** Sufficient space for ~~the insertion of an answer must be left following~~ provided after each interrogatory served pursuant to Fed. R. Bankr. P. 7033. Each answer must be preceded by the interrogatory being answered.

**(g) Motions Relating to Discovery.** Motions under Fed. R. Bankr. P. 7026(c) or 7037(a) directed at interrogatories, requests for production of documents, or requests for admissions under Fed. R. Bankr. P. 7033, 7034 or 7036, or at the responses thereto, must be accompanied by copies of the portions of the interrogatories, requests or responses in dispute.

**(h) Depositions.** Depositions ~~transcripts~~ must not be filed with the clerk unless ordered by the court. ~~The originals of all stenographically reported depositions will be delivered to the~~

party noticing the deposition, (1) upon signature by the deponent, or (2) upon completion if signature is waived on the record by the deponent and all interested parties; or (3) upon certification by the shorthand reporter that following reasonable notice to the deponent and deponent's counsel of the availability of the transcript for signature, the deponent failed or refused to sign it. The original of the deposition must be retained by the party to whom it is delivered to be available for appropriate use by any party in a hearing or trial of the case.

Original deposition transcripts will be delivered by the reporting stenographer to the party noticing the deposition:

- (1) after the deponent signs the completed transcript;
- (2) upon completion, if the deponent and all interested parties waive signature on the record; or
- (3) upon certification by the stenographer that the deponent and deponent's counsel received notice of the transcript's completion and that the deponent then failed or refused to sign the original transcript within a reasonable period of time.

The party receiving delivery of an original deposition transcript shall retain it and make it available for appropriate use by any party in a hearing or trial of the case.

**(i) Disclosures and Discovery Not to be Filed.**

(1) The following disclosures and discovery, and along with the responses thereto, must be served upon other counsel or and unrepresented parties, if not represented by counsel, but must not be filed with the clerk:

- (A) disclosures required under Fed. R. Bankr. P. 7026(a)(1) and (2);
- (B) interrogatories under Fed. R. Bankr. P. 7033;
- (C) requests for production or inspection under Fed. R. Bankr. P. 7034; and
- (D) requests for admission under Fed. R. Bankr. P. 7036.

(2) A party serving disclosures and discovery must at the time of service file with the clerk a certificate of service. At the same time disclosures, discovery, or responses are served, the serving party must file a certificate of service with the clerk stating the type of disclosure, or discovery or response served, the date and type of service, and the party served.

**(j) Use of Discovery at Trial.** If depositions, interrogatories, requests for production or inspection, or admissions, or responses thereto are to be used at trial, the portions to be used must be filed with the clerk at the beginning of trial insofar as their use reasonably can be anticipated. A party shall file with the clerk at the beginning of trial the portions of any deposition transcript, interrogatories, requests for production or inspection, admissions, or any responses thereto, it reasonably anticipates using.

**(k) Duty to Confer Concerning Discovery Disputes.** In addition to the duties to confer set out in Fed. R. Bankr. P. 7026 through 7037, unless otherwise ordered, the court will not entertain any motion to quash or modify a subpoena pursuant to Fed. R. Bankr. P. 9016, or any motion under Fed. R. Civ. P. 26(c) or 37(a), unless counsel for the moving party has conferred or has made reasonable effort to confer with opposing counsel concerning the matter in dispute prior to the filing of the motion. Every certification required by Fed. R. Bankr. P. 7026(c) and 7037 and this rule related to the efforts of the parties to resolve discovery or disclosure disputes must describe the steps taken by all counsel to resolve the issues in dispute.

**(l) Trial Preparation After Close of Discovery.** As authorized by Fed. R. Bankr. P. 7035, the physical or mental examination of a party may be ordered at anytime prior to trial. Ordinarily, the deposition of a material witness not subject to subpoena should be taken during the discovery period. However, the deposition of a material witness who agrees to appear at trial, but who later becomes unable or refuses to attend, may be taken at anytime prior to trial.

- (1) The deposition of a material witness not subject to subpoena should ordinarily be taken during the discovery period. However, a material witness who agrees to appear at trial, but later becomes unable or refuses to attend, may be deposed at any time prior to trial.

(2) The physical or mental examination of a party pursuant to Fed. R. Bankr. P. 7035 may be ordered at any time prior to trial.

\* \* \*

As amended 10/17/05.

*Comments: This rule was amended stylistically.*

## **LBR 7056.1**

### **MOTIONS FOR SUMMARY JUDGMENT**

**(a) Memorandum in Support.** The memorandum or brief in support of a motion for summary judgment must begin with a section that contains a concise statement of material facts as to which the movant contends no genuine issue exists. The facts must be numbered and refer with particularity to those portions of the record upon which the movant relies.

**(b) Memorandum in Opposition.** A memorandum in opposition to a motion for summary judgment must begin with a section that contains a concise statement of material facts about which the party contends a genuine issue exists. Each fact in dispute must be numbered by paragraph, refer with particularity to those portions of the record upon which the opposing party relies, and, if applicable, state the number of movant's fact that is disputed. All material facts set forth in the statement of the movant will be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of the opposing party. The statements required by this subsection are in addition to the material otherwise required by these rules and the applicable Federal Rules of Bankruptcy Procedure.

**(c) Supporting Affidavits.** All facts on which a motion or opposition is based must be presented by affidavit or declaration under penalty of perjury. Affidavits or declarations must be made on personal knowledge and by a person competent to testify to the facts stated, which are admissible in evidence. Where facts referred to in an affidavit or declaration are contained in another document, such as a deposition, interrogatory answer, or admission, a copy of the relevant excerpt from the document must be attached.

**(d) Time for Filing of Responses and Replies.** A party shall have 23 days to file and serve a response to a motion for summary judgment. After the service of a memorandum in opposition ~~such a response~~, the moving party ~~may file and serve a reply memorandum in support of the motion within~~ shall have 23 days to file and serve a reply memorandum in support of the motion. These time periods include the additional 3 day period allowed under Fed. R. Civ. P. 6(e) and, therefore, to respond or reply applies regardless of the method of service because it includes the additional three-day period allowed under Fed. R. Civ. P. 6(e). ~~Cf. D. Kan. Rule 6.1(d)(2).~~

**(e) Limit on Responses and Replies.** No more than one response to a motion and one reply to a response, as allowed by D. Kan. Rule 7.1(c), can may be filed without prior order of the court.

**(f) Oral Argument.** A request for oral argument may be made in the motion or any memorandum.

\* \* \*

As amended 10/17/05.

*Comments: This rule was amended stylistically.*

## LBR 9004.1

### FORM OF PLEADINGS AND DOCUMENTS

#### (a) Pleadings, Motions, Briefs and Other Documents.

**(1) Generally.** Pleadings, motions, briefs, and other documents submitted for filing, including all exhibits and/or attachments, must be:

- submitted on 8-1/2 x 11 inch paper;
- typewritten, printed, or computer-generated; with type no smaller than 10 points set no more than an average of 12 characters per inch; and
- double-spaced where practicable. They must also be 8 1/2 inches x 11 inches. (See also D. Kan. Rule 5.1(a)). All written, printed, or computer-generated documents must be no smaller than 10 point type set no more than an average of 12 characters per inch.

**(2) Subsequent Filings.** All pleadings and documents filed subsequent to those commencing a case must be endorsed on the upper right-hand corner of the first page with the case number. The title of the subsequent pleading or document should describe the contents thereof, and state on whose behalf the document is filed.

**(3) Adversary Proceedings.** Fed. R. Bankr. P. 7010 and Official Bankruptcy Forms apply to all pleadings and documents filed in adversary proceedings.

**(b) Orders.** ~~Unless the court directs otherwise, orders resulting from an actual hearing are due 10 days from the date of the hearing. Orders resulting from a notice with an objection deadline where no actual hearing was held are due 10 days after the expiration of the objection deadline.~~

~~— If an order results from an actual hearing, the first paragraph of the order must begin with the date of the hearing, such as: “Now on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, this matter came before the court. . . .” The actual date of the hearing must be substituted for the blanks, however.~~

~~— If an order results from a notice with opportunity without a hearing, the first paragraph of the order must begin by stating that the matter was noticed with opportunity for hearing but no objections were filed and no hearing was held.~~

~~— The following information must appear at the top of the signatory page of all orders: (1) the name of court; (2) the case caption, the case number and chapter; and (3) the caption of the order and page number. The top margin on the first page of an order must be 4 inches; all subsequent pages of the order must have a top margin of 1 inch. The last line in the order must be three pound symbols (###), centered, to indicate the order is complete (preceding counsel signatures). Omit the signature line for the judge, since all orders will be signed electronically in the top margin of the first page.~~

#### **(1) Generally.**

**(A)** The following information must appear at the top of the signatory page of all orders:

- the name of the court;
- the case caption, the case number and chapter; and
- the caption of the order and page number.

**(B)** The top margin on the first page of an order must be 4 inches; all subsequent pages of the order must have a top margin of 1 inch.

**(C)** The last line of the order preceding counsel signatures must consist of three pound symbols (###), centered, to indicate the end of the order. Omit a signature line for the judge because all orders will be signed electronically in the top margin of the first page.

**(2) Resulting from Hearing.** Unless the court directs otherwise, orders resulting from an actual hearing are due 10 days from the date of the hearing. The first paragraph of the order must begin with the actual date of the hearing, such as: “Now on this 23rd day of July, 2005, this matter came before the court....”

**(3) No Hearing Held.** Orders resulting from the failure to object or respond to a notice



with objection deadline are due 10 days after the deadline expires. The first paragraph of the order must begin by stating that the matter was noticed with opportunity for hearing but no objections were filed and no hearing was held.

**(c) Requests for Relief in Pleadings.** A short statement of the relief requested by a motion must be included in the pleading's caption. Pleadings must not contain an unrelated request for relief, *i.e.*, a motion for relief from the automatic stay may request adequate protection, but **may** not **request** unrelated relief, such as a request to dismiss the case. A request for relief is **may** not to be included in a responsive pleading except as permitted by the Federal Rules of Bankruptcy Procedure.

**(d) Orders Addressing Requests for Relief.** Orders resolving pleadings must address all the requests for relief made in the pleading and, to assist the Clerk with docketing and quality control, must identify in the caption of the order the relief granted and/or denied.

\* \* \*

As amended 3/10/17/05.

*Comments: This rule was amended stylistically.*

#### **LBR 9013.1**

##### **BRIEFS AND MEMORANDA**

**(a) Contents.** All briefs and memoranda filed with the court must contain:

- (1) a statement of the nature of the matter before the court;
- (2) a concise statement of the facts supported by reference to the record in the case;
- (3) a statement of the question or questions presented; and
- (4) the argument, which must refer to all statutes, rules and authorities relied upon.

**(b) Page Limitations.** The arguments and authorities section of briefs or memoranda shall not exceed 30 pages absent an order of the court.

**(b)(c) Citation of Unpublished Decisions.** An unpublished decision cited in a brief or memorandum shall be attached as an exhibit to the memorandum or brief only if it is unavailable via electronic means (e.g., Westlaw or LEXIS). Unpublished decisions that are available via electronic means shall not be furnished to the court and shall be furnished to opposing parties only upon request. Unpublished decisions should be cited as follows: *In re Smith*, No. 02-12345, 2005 WL 8763523, at \*2 (Bankr. D. Kan. Jan. 7, 2005)(if available in an electronic database) or *In re Smith*, No. 02-12345, (Bankr. D. Kan. Jan. 7, 2005), if not.

**(c)(d) Additional Copies of Briefs for Court.** At the time the original of a brief is filed, a working copy of the brief for use by the judge must be delivered to the clerk or to the judge. The court may order the party filing a brief or document to deliver additional working copies to the clerk for use by the judge.

\* \* \*

As amended 3/10/17/05.

*Comments: This rule was amended stylistically.*

## **LBR 9013.2**

### **NON-DISPOSITIVE MOTIONS PRACTICE**

**(a) Hearing Docket.** A bankruptcy judge may establish a regularly scheduled docket for non-evidentiary hearing on motions. A motion may be set on such docket by filing with the motion a separate notice of hearing clearly stating the hour, date, and location of such hearing. A certificate of service must be filed for the motion and notice indicating service on required parties. It is the responsibility of the movant to determine (1) whether a bankruptcy judge has established a docket as provided by this rule, and (2) the correct hour, date, and location of hearing so established.

**(b) Time.** Except for cause shown, a motion filed less than 10 days before hearing may not be considered by the court. Motions that require more than 10 days' notice under the Code, the Federal Rules of Bankruptcy Procedure or these rules, must comply with this requirement.

**(c) Notice with Objection Deadline.** Where otherwise allowed by the Code, the Federal Rules of Bankruptcy Procedure, or these rules, a motion may be filed with a separate notice of objection deadline. The notice may provide for hearing on any objection in accordance with this rule.

**(d) Waiver of Briefs in Support of Motions.** Briefs and memorandum in support of or in opposition to non-dispositive motions are prohibited unless required by the court notwithstanding D. Kan. Rule 7.1(a). *See* D. Kan. LBR 7056.1~~(d)~~ and D. Kan. LBR 7012.1~~(b)~~ ~~for rules dealing with briefs on summary judgment motions and Fed. R. Civ. P. 12 motions.~~

**(e) Preparation of Motions and Orders.** Motions and orders shall be prepared and submitted in accordance with D. Kan. LBR 9004.1.

\* \* \*

**As amended 10/17/05.**

*Comments: This rule was amended stylistically.*



## **LBR 9019.2**

### **ALTERNATIVE DISPUTE RESOLUTION**

The court's primary ADR procedure is mediation facilitated by a private mediator chosen by the parties. The mediation process is intended to improve communication among the parties and provide the opportunity for greater litigant involvement in the earlier resolution of disputes, with the ultimate goal of securing the just, speedy and inexpensive disposition of civil cases

#### **(a) General Guidelines for Alternative Dispute Resolution Processes**

(1) Any alternative procedure employed to resolve a dispute pending before the United States Bankruptcy Court for the District of Kansas is governed by D. Kan. Rule 16.3, any other rules or guidelines adopted by the United States District Court for the District of Kansas, and this rule.

(2) The judge to whom a case has been assigned may, at the earliest appropriate opportunity, encourage or require the parties and their counsel who are involved in a dispute to attempt to resolve or settle the dispute using an extrajudicial proceeding such as mediation, a case settlement or evaluation conference, or another alternative dispute resolution process unless, in the judge's discretion, it is determined that:

(A) It would be futile;

(B) The mediator indicates the case is inappropriate for the process;

(C) The parties agree that a request for procedural action by the court will facilitate settlement; or

(D) In the opinion/judgment of the mediator or court official, there is a danger of physical harm to any party connected with the process.

(3) The judge may refer a case for an extrajudicial proceeding to be supervised by any other judge of the district or bankruptcy court, any retired district or bankruptcy judge, or any neutral attorney. If the parties mutually agree on a neutral non-attorney, the judge shall consider and may refer the case to that person. The person to whom the case is referred will generally be called "mediator" in the balance of this rule.

(4) The mediator sets and convenes the first meeting between the participants, and files with the court a report on the status of the alternative dispute resolution process within 45 days of the initial appointment. As part of the mediation, case settlement, or evaluation conference process, the parties, their counsel, and the mediator discuss every aspect of the case that bears on its settlement. The mediator meets privately with each party and the party's counsel to discuss the mediator's evaluation of the case. Except for good cause shown, it is mandatory that each party have a representative with settlement authority attend the mediation, case settlement, or evaluation conference process, and "with settlement authority" is defined in D. Kan. Rule 16.3. The court may, as it deems appropriate, make this paragraph applicable to any other alternative dispute resolution process.

(5) No written statements or memoranda the parties may submit to the mediator under this order will be placed in the court file. ~~Such statements and memoranda, and any other communications that take place during or in connection with the extrajudicial process, are confidential and will not be admissible or discoverable in any proceeding.~~ The mediator must not communicate to the judge any matter concerning the proceeding except whether the case has been settled or that a party or attorney has failed to appear. **Fed. R. Evid. 408 governs the admissibility of statements, memoranda, and other communications made during or in connection with the extrajudicial process.**

(6) Upon conclusion of the alternative dispute resolution process, either by settlement or by impasse, the mediator will communicate to the court the results of the mediation.

\* \* \*

As amended 3/10/17/05.

*Comments: This rule was amended to better conform with Fed. R. Evid. 408.*

### **LBR 9029.3**

#### **BANKRUPTCY BENCH BAR COMMITTEE**

There is a Bankruptcy Bench Bar Committee appointed by the court.

**(a) Membership.** The committee shall consist of the chief judge, such other judges as may from time to time be appointed by the court, the United States Attorney or an assistant designated by him or her, the U.S. Trustee for Region 20, or an assistant designated by him or her, ~~6~~ **six** actively practicing members of the bar of the bankruptcy court, a Chapter 13 Trustee, and a Chapter 7 Trustee, selected by the bankruptcy judges.

**(b) Terms of Office.** ~~Each of the 6 actively practicing members of the bar, the Chapter 13 trustee, and the Chapter 7 trustee shall be appointed, each~~ **The court shall appoint the six** actively practicing members of the bar, the Chapter 13 trustee, and the Chapter 7 trustee to serve ~~a three year terms~~ **or such other lesser terms** as the court may decide, ~~to beginning on~~ **to beginning on** July 1 of each year.

**(c) Meetings.** The Bench Bar Committee shall meet at such time as it shall determine and at the call of the chief judge.

**(d) Duties.** The Bench Bar Committee shall have general advisory and liaison roles with respect to the operation of the court and shall, among other things: (1) Provide a forum for the continuous study of the operating procedures of the court; (2) serve as liaison among the court, its bar and the public; (3) study, consider, and recommend the adoption, amendment, or rescission of the Rules of Practice of the court; and (4) make such studies and render such reports and recommendations as the court shall direct.

\* \* \*

As amended 3/10/17/05.

*Comments: This rule was amended stylistically.*

## LBR 9074.1

### JOURNAL ENTRIES AND ORDERS

~~In all cases where the court directs that a judgment, decision, or ruling be settled by journal entry or order, it must be prepared in accordance with the direction of the court. In cases where the parties announce to the court that a matter is to be settled by agreement, a party must prepare the order. Counsel preparing the journal entry or order, whether at the direction of the court or under an announcement of agreement, must within 10 days, unless otherwise directed by the court, serve copies thereof on all other counsel involved in the matter who must, within 10 days after service, file and serve any objections in writing. The journal entry or order must be uploaded on the same date that copies are served on counsel, and should indicate above the signature line of any counsel whose signature has not been authorized: "Order submitted pursuant to D. Kan. LBR 9074.1." If no objections are filed and served within 10 days of service, the court may enter the journal entry or order. The court will settle any objections to the journal entry or order.~~

**(a) Preparation of Journal Entry or Order.** Counsel shall prepare and upload within 10 days a journal entry or order:

(1) When directed by the court to prepare the journal entry or order reflecting a judgment, decision, or ruling; or

(2) When the parties announce in court that a pending matter has been settled by agreement.

**(b) Journal Entry or Order Submitted Without Approval of All Counsel; Proof of Service.** If approval of the Journal Entry referenced in subsection (a) cannot be obtained after a reasonable effort to obtain such approval, counsel may upload the journal entry or order without the approval of all other counsel involved in the matter. The phrase "order submitted pursuant to D. Kan. LBR 9074.1" must appear above the signature line of any counsel whose signature on the journal entry or order has not been approved. Counsel uploading a journal entry or order not approved by all counsel involved in the matter must, on the same date, serve copies thereof on all other counsel involved. Proof of service of the uploaded journal entry or order must be established by the filing of a certificate of service in the manner prescribed by D. Kan. LBR 9013.3. The uploaded journal entry or order must be attached as an exhibit to the certificate of service. Any objections to a journal entry or order must be filed and served within 10 days of the date of service of the journal entry or order. The court may enter the journal entry or order if an objection is not timely filed and served. The court will settle any objections to the journal entry or order.

**(c) Inapplicability to Chapter 13 Trustee.** The procedure set forth in subsection (b) above may not be used in lieu of obtaining the approval of a Chapter 13 Trustee to any journal entry or order in any Chapter 13 case.

**(d) Journal Entry or Order Submitted With Approval of All Counsel.** Counsel may upload a journal entry or order without serving copies thereof when all other counsel involved in the matter have previously authorized their signatures to the specific journal entry being uploaded. The court may enter the journal entry or order upon receipt.

\* \* \*

As amended 3/10/17/05.

*Comments: This rule was amended to conform to practices informally adopted since implementing ECF and to make explicit the inapplicability of the rule to Chapter 13 Trustee approval of Chapter 13 orders.*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS  
STANDING ORDER NO. 05-27  
SCHEDULING, LISTING AND NOTICING THE  
UNITED STATES AND AGENCIES OF THE  
STATE OF KANSAS AS A CREDITOR**

**(a) Departments, Agencies and Instrumentalities of the United States.** If a department, agency, or instrumentality of the United States is a creditor, the schedules and matrix must list that agency at the address provided by **this** Standing Order. Any notice or service given to an address listed in **this** Standing Order will be in addition to any notice required by statute, rule or regulation. *See also D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(4) and (5) regarding service in adversary proceedings and contested matters.*

**(b) United States Attorney's Office.** In all cases in which any department, agency or instrumentality of the United States is a creditor, the schedule of creditors and matrix must also list the United States Attorney's Office located in the division headquarters in which the petition for relief has been filed. **The addresses are:**

1. Office of United States Attorney  
Robert J. Dole U.S. Courthouse, Suite 360  
500 State Avenue  
Kansas City, Kansas 66101
2. Office of United States Attorney  
U.S. Courthouse, Suite 290  
444 Southeast Quincy Street  
Topeka, Kansas 66683
3. Office of United States Attorney  
1200 Epic Center  
301 N. Main  
Wichita, Kansas 67202

**(c) ~~Register of Addresses for certain Departments, Agencies and Instrumentalities of the United States.~~** ~~This list of addresses constitutes the Clerk's register of mailing addresses as required by Fed. R. Bankr. P. 5003(e).~~ If one of the following departments, agencies or instrumentalities of the United States is a creditor, the schedule and matrix should list the agency at the address indicated herein:

1. DEPARTMENT OF AGRICULTURE  
(excepting Farm Services Agency, Ag Credit Division and Commodity Credit Divisions; and Rural Economic Community Development, which are hereafter individually set forth)  
Regional Counsel  
Department of Agriculture  
Post Office Box 419205  
Kansas City MO 64141-0205  
  
Farm Services Agency  
Farm Loan Programs Division

3600 Anderson Avenue  
Manhattan KS 66503-2511

Farm Services Agency  
Commodity Credit Division  
3600 Anderson Avenue  
Manhattan KS 66503-2511

USDA Rural Development  
Suite 100  
1303 SW First American Place  
Topeka KS 66604-4040

USDA Centralized Servicing Center  
PO Box 66879  
St Louis MO 63166

2. DEPARTMENT OF EDUCATION (DOE)  
Regional Director Region IX  
Department of Education  
Office of Postsecondary Education  
50 United Nations Plaza  
San Francisco CA 94102
3. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)  
United States Department of Health and Human Services  
Office of the General Counsel  
601 East 12th Street Room N1800  
Kansas City MO 64106
4. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Regional Counsel  
Department of Housing and Urban Development  
Professional Building  
400 State Avenue  
Kansas City KS 66101-2406
5. INTERNAL REVENUE SERVICE (IRS)  
Internal Revenue Service  
~~271 W 3rd Street N Suite 3000~~  
~~STOP 5333 WIC~~  
~~Wichita KS 67202~~  
P.O. Box 21126  
Philadelphia, PA 19114
6. SMALL BUSINESS ADMINISTRATION (SBA)  
District Counsel  
US Small Business Administration  
Lucas Place  
323 West 8th Street Suite 501  
Kansas City MO 64105; or

District Counsel  
U S Small Business Administration  
271 W Third Street North  
Suite 2500  
Wichita KS 67202-1212

7. SOCIAL SECURITY ADMINISTRATION  
Office of General Counsel  
Social Security Administration Region VII  
Federal Office Building  
601 East 12th St Room 535  
Kansas City MO 64106
8. UNITED STATES POSTAL SERVICE  
Law Department  
US Postal Service  
9350 South 150 East  
Suite 800  
Sandy UT 84070-2716
9. VETERANS ADMINISTRATION (VA)  
District Counsel  
Veterans Administration  
5500 East Kellogg  
Wichita KS 67218

**(d) Departments, Agencies and Instrumentalities of the State of Kansas.** If a department, agency, or instrumentality of the State of Kansas is a creditor, the schedules and matrix must list that agency at the address provided by **this** Standing Order. Any notice or service given to an address listed in **this** Standing Order will be in addition to any notice required by statute, rule or regulation. *See also D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(6) regarding service in adversary proceedings and contested matters.*

**(e) ~~Register of Addresses~~ for certain Departments, Agencies and Instrumentalities of the State of Kansas.** This list of addresses constitutes the Clerk's register of mailing addresses as required by Fed. R. Bankr. P. 5003(e). If one of the following departments, agencies or instrumentalities of the State of Kansas is a creditor, the schedule and matrix should list the agency at the address indicated herein:

1. Kansas Department of Administration  
Attn Director of Accounts and Reports  
Landon State Ofc Bldg Rm. 351-S  
900 SW Jackson  
Topeka KS 66612
2. Kansas Department on Aging  
New England Building  
503 S Kansas Ave.  
Topeka KS 66603-3404

3. Kansas Department of Agriculture  
Office of Chief Counsel  
109 SW 9<sup>th</sup> 4th Floor  
Topeka KS 66612
4. Kansas Department of Commerce  
1000 SW Jackson  
Suite 100  
Topeka KS 66612-1354
5. Kansas Department of Education  
120 SE 10<sup>th</sup> Ave  
Topeka KS 66612-1182
6. Kansas Department of Health and Environment  
1000 SW Jackson  
Suite 540  
Topeka KS 66612-1290
7. Kansas Department of Labor  
Attn Legal Section  
401 SW Topeka Blvd.  
Topeka KS 66603
8. Kansas Department of Revenue  
Civil Tax Enforcement  
PO Box 12005  
915 SW Harrison  
Topeka KS 66612-2005
9. Kansas Department of Social and Rehabilitation Services  
Office of the Secretary  
Docking State Office Building  
915 SW Harrison  
Topeka KS 66612
10. Kansas Department of Transportation  
Eisenhower State Office Bldg  
3<sup>rd</sup> Floor West  
700 SW Harrison  
Topeka KS 66603-3754
11. Kansas Department of Wildlife and Parks  
1020 South Kansas Ave  
Room 200  
Topeka KS 66612-1233

Dated this ~~1st day of February~~ 17th day of October, 2005.

s/ Robert E. Nugent  
ROBERT E. NUGENT  
Chief Judge

s/ Janice Miller Karlin  
JANICE MILLER KARLIN  
Judge

s/ Dale L. Somers  
DALE L. SOMERS  
Judge

s/ Robert D. Berger  
ROBERT D. BERGER  
Judge

*Comments: This rule was amended both to correct the IRS address and to provide the addresses of the U.S. Attorney's Offices, to assist with service. It was also amended to remove the suggestion that this Standing Order would continue to serve as the "Register of Addresses" the clerk is required to maintain. Because of changes in Fed. R. Bankr. P. 5003, the potential exists for the clerk to receive addresses from dozens of taxing entities. As a result, it is no longer practical or feasible to maintain the registry in the text of this Standing Order.*



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

**STANDING ORDER NO. 05-5**

**ORDER ADOPTING INTERIM  
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

On April 20, 2005 the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) (**Public Law 109-8, 119 Stat. 23**) was enacted into law. Most of the provisions of the Act are effective on October 17, 2005. However, the general effective date of the Act has not provided sufficient time to promulgate rules after appropriate public notice and an opportunity for comment.

The Advisory Committee on Bankruptcy Rules has prepared and amended Interim Rules designed to implement the substantive and procedural changes mandated by the Act. The Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has also approved these Interim Rules and recommends the adoption of the Interim Rules to provide uniform procedures for implementing the Act.

In consideration of the foregoing, and pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure,

IT IS HEREBY ORDERED that the Interim **Federal Rules of Bankruptcy Procedure**, as amended from time to time, are adopted in their entirety without change by the judges of this Court effective October 17, 2005 to conform with the Act. For cases and proceedings not governed by the Act, the Federal Rules of Bankruptcy Procedure, the local rules of the U.S. District Court for the District of Kansas, and such local rules, **standing orders** and procedures adopted by this Court, other than these Interim **Federal Rules of Bankruptcy Procedure**, shall apply. These Interim Rules shall remain in effect until further order of the Court.

IT IS SO ORDERED.

Dated this 17<sup>th</sup> day of October, 2005.

s/ Robert E. Nugent  
ROBERT E. NUGENT  
Chief Judge

s/ Janice Miller Karlin  
JANICE MILLER KARLIN  
Judge

s/ Dale L. Somers  
DALE L. SOMERS  
Judge

s/ Robert D. Berger  
ROBERT D. BERGER  
Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

**STANDING ORDER NO. 05-6**

**ORDER ADOPTING INTERIM  
LOCAL RULES OF THE UNITED STATES BANKRUPTCY COURT**

On April 20, 2005 the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) (**Public Law 109-8, Stat. 23**) was enacted into law. Most of the provisions of the Act are effective on October 17, 2005. However, the general effective date of the Act has not provided sufficient time to promulgate rules after appropriate public notice and an opportunity for comment.

The Bench Bar Committee has ~~prepared~~ recommended the adoption of Interim **Local** Rules designed to implement the substantive and procedural changes mandated by the Act, **as well as to clarify or correct some existing rules.** The judges of this Court have also approved these Interim **Local** Rules and recommend the adoption of the Interim Local Rules to provide uniform procedures for implementing the Act.

In consideration of the foregoing, and pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure,

IT IS HEREBY ORDERED that the Interim **Local** Rules are adopted in their entirety without change by the judges of this Court effective October 17, 2005 to conform with the Act. ~~For cases and proceedings not governed by the Act, the Federal Rules of Bankruptcy Procedure, the local rules of the U.S. District Court for the District of Kansas, and such local rules and procedures adopted by this Court, other than t~~The Interim **Local** Rules, ~~shall~~ apply **to all cases pending on, or filed or reopened after October 16, 2005, unless otherwise specifically stated in the Interim Local Rules.** The Interim **Local** Rules shall remain in effect until further order of the Court. **Those local rules that have not been amended or rescinded by these Interim Local Rules remain in effect for all cases.**

IT IS SO ORDERED.

Dated this 17th day of October, 2005.

s/ Robert E. Nugent  
ROBERT E. NUGENT  
Chief Judge

s/ Janice Miller Karlin  
JANICE MILLER KARLIN  
Judge

s/ Dale L. Somers  
DALE L. SOMERS  
Judge

s/ Robert D. Berger  
ROBERT D. BERGER  
Judge